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May 11, 2021

File No. 50031.547

VIA ECF

Honorable Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Nilgun Sali v. Zwanger & Pesiri Radiology Group, LLC and VanVorst Law Firm, PLLC.* (United States District Court, Eastern District of New York)
Case No.: 19 – CV – 0275

Dear Judge Block:

This law firm represents defendant VanVorst Law Firm, PLLC ("VanVorst"). VanVorst submits this letter in response to plaintiff Nilgun Sali's ("Plaintiff") reply in support of her motion for class certification and concerns an apparent clerical error as pertaining to the filing of VanVorst's opposition papers, together with its cross-motion to bifurcate discovery or, in the alternative, stay class action discovery. For the reasons set forth below, VanVorst respectfully requests this Court consider these papers as properly and timely filed.

On March 22, 2021, this Court entered its electronic scheduling order setting the deadline for the defendants to respond to Plaintiff's motion for class certification to May 3, 2021. In her reply, Plaintiff takes the position that VanVorst failed to serve or file a response to her motion for class certification. Contrary to this assertion, VanVorst timely filed its opposition and cross-motion on May 3, 2021 (Dkt. 53). Enclosed herein is a copy of the docket report for this case demonstrating that these papers were timely filed, along with a copy of the certificate of service. However, the docket report shows that these papers are marked "(Ex Parte)," which may prove to be the cause of confusion.

After receiving a copy of Plaintiff's reply papers, VanVorst duly served a copy of its opposition papers and cross-motion on all parties by email, together with copy of this letter and its enclosures. As such, VanVorst respectfully requests this Court consider these papers as timely

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filed. In addition, should this Court deem warranted, VanVorst does not object to an extension of time for Plaintiff to respond to these papers.

Respectfully submitted,

Andrew W. Winters

Andrew W. Winters, Esq. of
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Encl.

Via ECF and Email

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information," [Exhibit VanVorst Entity Information](#), " [Exhibit DCA License](#), " [Exhibit Lease](#), " [Exhibit Services Agreement](#), " [Exhibit VanVorst Employee Tax Documents](#), # [10](#) Exhibit VanVorst e-mails with Merlin Printing Vendor, # [11](#) Exhibit ACE Payroll Contract, # [12](#) Exhibit Jive Telecom Invoices and TOS, # [13](#) Exhibit Billing Tree Contract, # [14](#) Exhibit CaseTracker Contract, # [15](#) Exhibit Order denying Motions, # [16](#) Exhibit Zwanger-Pesiri Answer, # [17](#) Exhibit Zwanger-Pesiri's Letter Opposing Plaintiff's Application, # [18](#) Memorandum in Support Memorandum of Law in Opposition to Plaintiff's Motion for Class Certification and in Support of Defendant Zwanger's Cross Motion to Bifurcate) (McCormick, Patrick) (Entered: 05/03/2021)

05/03/2021 ELECTRONIC ORDER: Referring defendant's motion [52](#) to Bifurcate or, in the Alternative, Stay Class Action Discovery and in Opposition of Plaintiff's Motion for Class Certification to MJ POLLAK to decide. Ordered by Judge Frederic Block on 5/3/2021. (Innelli, Michael) (Entered: 05/03/2021)

05/03/2021 [53](#) (Ex Parte) AFFIDAVIT/DECLARATION in Opposition re [52](#) Cross MOTION to Bifurcate *or, in the Alternative, Stay Class Action Discovery and in Opposition of Plaintiff's Motion for Class Certification* , MEMORANDUM in Opposition filed by Vanvorst Law Firm, PLLC. (Attachments: # [1](#) Declaration Declaration in Opposition to Plaintiff's motion for Class Certification and in support of VanVorst's Cross-Motion, # [2](#) Exhibit Complaint, # [3](#) Exhibit Collection Letter, # [4](#) Exhibit Lease, Retainer, Public Records, # [5](#) Exhibit Decision and Order dated November 20, 2020, # [6](#) Exhibit Answers, # [7](#) Exhibit VanVorst's Supplemental Response to Plaintiff's Interrogatories dated February 25, 2021, # [8](#) Exhibit VanVorst's Employee Records, # [9](#) Exhibit VanVorst-Vendor Documents, # [10](#) Memorandum in Support Memorandum in Opposition to Plaintiff's Motion for Class Certification and in Support of VanVorst's Cross-Motion) (Winters, Andrew) (Entered: 05/03/2021)

05/10/2021 [55](#) Fully Briefed MOTION to Certify Class by Nilgun Sali. (Greene, Francis) (Entered: 05/10/2021)

05/10/2021 [56](#) MEMORANDUM in Support re [55](#) Fully Briefed MOTION to Certify Class filed by Nilgun Sali. (Greene, Francis) (Entered: 05/10/2021)

05/10/2021 [57](#) REPLY in Support re [55](#) Fully Briefed MOTION to Certify Class , [52](#) Cross MOTION to Bifurcate *or, in the Alternative, Stay Class Action Discovery and in Opposition of Plaintiff's Motion for Class Certification* filed by Nilgun Sali. (Greene, Francis) (Entered: 05/10/2021)

05/11/2021 ELECTRONIC ORDER REFERRING: Plaintiff's motion [55](#) for class certification to MJ POLLAK to decide. Ordered by Judge Frederic Block on 5/11/2021. Motions referred to Cheryl L. Pollak. (Innelli, Michael) (Entered: 05/11/2021)

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CERTIFICATE OF SERVICE

I hereby certify that on May 3, 2021, the foregoing documents, **Notice of Cross-Motion, Declaration of Mark K. Anesh dated May 3, 2021, with supporting exhibits, and accompanying Memorandum of Law**, was filed by ECF.

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: New York, New York
May 3, 2021

Andrew W. Winters

Andrew W. Winters, Esq. (9700)